

meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under § 76.7.

[60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67163, Dec. 19, 1996]

**§ 76.9 Permit application and compliance plans.**

(a) *Duty to apply.* (1) The designated representative of any source with an affected unit subject to this part shall submit, by the applicable deadline under paragraph (b) of this section, a complete Acid Rain permit application (or, if the unit is covered by an Acid Rain permit, a complete permit revision) that includes a complete compliance plan for NO<sub>x</sub> emissions covering the unit.

(2) The original and three copies of the permit application and compliance plan for NO<sub>x</sub> emissions for Phase I shall be submitted to the EPA regional office for the region where the applicable source is located. The original and three copies of the permit application and compliance plan for NO<sub>x</sub> emissions for Phase II shall be submitted to the permitting authority.

(b) *Deadlines.* (1) For a Phase I unit with a Group 1 boiler, the designated representative shall submit a complete permit application and compliance plan for NO<sub>x</sub> covering the unit during Phase I to the applicable permitting authority not later than May 6, 1994.

(2) For a Phase I or Phase II unit with a Group 2 boiler or a Phase II unit with a Group 1 boiler, the designated representative shall submit a complete permit application and compliance plan for NO<sub>x</sub> emissions covering the unit in Phase II to the Administrator not later than January 1, 1998, except that early election units shall also submit an application not later than January 1, 1997.

(c) *Information requirements for NO<sub>x</sub> compliance plans.* (1) In accordance with § 72.40(a)(2) of this chapter, a complete compliance plan for NO<sub>x</sub> shall, for each affected unit included in the permit application and subject to this part, either certify that the unit will comply with the applicable emissions limitation under § 76.5, 76.6, or 76.7 or

specify one or more other Acid Rain compliance options for NO<sub>x</sub> in accordance with the requirements of this part. A complete compliance plan for NO<sub>x</sub> for a source shall include the following elements in a format prescribed by the Administrator:

- (i) Identification of the source;
- (ii) Identification of each affected unit that is at the source and is subject to this part;
- (iii) Identification of the boiler type of each unit;
- (iv) Identification of the compliance option proposed for each unit (i.e., meeting the applicable emissions limitation under § 76.5, 76.6, 76.7, 76.8 (early election), 76.10 (alternative emission limitation), 76.11 (NO<sub>x</sub> emissions averaging), or 76.12 (Phase I NO<sub>x</sub> compliance extension)) and any additional information required for the appropriate option in accordance with this part;
- (v) Reference to the standard requirements in § 72.9 of this chapter (consistent with § 76.8(e)(1)(i)); and
- (vi) The requirements of §§ 72.21 (a) and (b) of this chapter.

(d) *Duty to reapply.* The designated representative of any source with an affected unit subject to this part shall submit a complete Acid Rain permit application, including a complete compliance plan for NO<sub>x</sub> emissions covering the unit, in accordance with the deadlines in § 72.30(c) of this chapter.

**§ 76.10 Alternative emission limitations.**

(a) *General provisions.* (1) The designated representative of an affected unit that is not an early election unit pursuant to § 76.8 and cannot meet the applicable emission limitation in § 76.5, 76.6, or 76.7 using, for Group 1 boilers, either low NO<sub>x</sub> burner technology or an alternative technology in accordance with paragraph (e)(11) of this section, or, for tangentially fired boilers, separated overfire air, or, for Group 2 boilers, the technology on which the applicable emission limitation is based may petition the permitting authority for an alternative emission limitation less stringent than the applicable emission limitation.

(2) In order for the unit to qualify for an alternative emission limitation, the